

10-31-05

Express Mail Label No.: EV668187985US

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TRANSMITTAL FORM

Application Serial Number	10/737,208
Filing Date	December 16, 2003
First Named Inventor	Gillies
Group Art Unit	1647
Examiner Name	Xie, Xiaozhen
Attorney Docket No.	LEX-023
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <ul style="list-style-type: none"> • Request for Correction of Inventorship Under 37 C.F.R. § 1.48(a) • Statement Under 37 C.F.R. § 1.48 (a)(2) • Declaration and Power of Attorney • Consent of Assignee Under 37 C.F.R. § 1.48 (a)(5)
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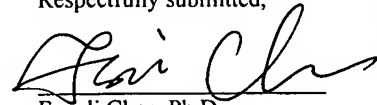
CORRESPONDENCE ADDRESS

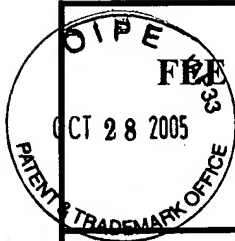
Direct all correspondence to: Patent Administrator
Kirkpatrick & Lockhart Nicholson
Graham LLP
75 State Street
Boston, MA 02109-1808
Tel. No.: (617) 261-3100
Fax No.: (617) 261-3175

SIGNATURE BLOCK

Date: October 28, 2005
Reg. No. 51,551
Tel. No.: (617) 261-3198
Fax No.: (617) 261-3175

Respectfully submitted,


Fangli Chen, Ph.D.
Attorney for Applicant(s)
Kirkpatrick & Lockhart Nicholson
Graham LLP
75 State Street
Boston, MA 02109-1808



FEE TRANSMITTAL **FY 2005**

Complete if Known

Application Serial Number	10/737,208
Filing Date	December 16, 2003
First Named Inventor	Gillies
Group Art Unit	1647
Examiner Name	Xie, Xiaozhen
Attorney Docket No.	LEX-023

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-1721.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

FEE CALCULATION

1. FILING/SEARCH/EXAM/SIZE FEES

Large Entity

Fee (\$)	Fee Description	Fee Paid
300	Utility filing fee	
500	Utility search fee	
200	Utility exam fee	
250	Utility size fee (each add'l 50 pgs. over 100)	
200	Design filing fee	
100	Design search fee	
130	Design exam fee	
250	Design size fee (each add'l 50 pgs. over 100)	

	Number Filed	Number Extra	Rate	Amount
Total Claims	- 20 =		x \$ 50.00 =	
Independent Claims	- 3 =		x \$200.00 =	

☐ Multiple Dependent Claim(s), if any \$360.00 = TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total	-	=	x \$ 50.00 =	
Indep.	-	=	x \$ 200.00 =	
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$ 360.00 =	

TOTAL: (\$)
 SMALL ENTITY DISCOUNT: (\$)
 SUBTOTAL (2) (\$0.00)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1020	510	Extension for reply within third month	
1590	795	Extension for reply within fourth month	
2160	1080	Extension for reply within fifth month	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1000	500	Request for oral hearing	
400	400	Petitions to the Commissioner (Gp. I)	
200	200	Petitions to the Commissioner (Gp. II)	
130	130	Petitions to the Commissioner (Gp. III)	
180	180	Submission of Information Disclosure Statement	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
130	65	Submission of Terminal Disclaimer	
Other fee (Specify)		Fee for Correction of Inventorship in a Patent Application Pursuant to 37 C.F.R. § 1.48(a)	130.00
Other fee (Specify)			

SUBTOTAL (3) (\$) 130.00

SUBTOTAL (1) 0.00
 SUBTOTAL (2) 0.00
 SUBTOTAL (3) 130.00

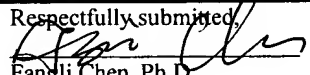
TOTAL (\$) 130.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:
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 Graham LLP
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Date: October 28, 2005
 Reg. No.: 51,551
 Tel. No.: (617) 261-3198
 Fax No.: (617) 261-3175

Respectfully submitted,

 Fangli Chen, Ph.D.
 Attorney for the Applicants
 Kirkpatrick & Lockhart Nicholson
 Graham LLP
 75 State Street
 Boston, MA 02109-1808



EXPRESS MAIL MAILING LABEL NO. EV668187985US

PATENT
Attorney Docket No. LEX-023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gillies *et al.* CONFIRMATION NO.: 6855
SERIAL NO.: 10/737,208 GROUP NO.: 1647
FILING DATE: December 16, 2003 EXAMINER: Xie, Xiaozhen
TITLE: *IMMUNOCYTOKINE SEQUENCES AND USES THEREOF*

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Dear Sir:

Applicants request a correction of inventorship in the above-identified patent application under 37 C.F.R. § 1.48(a). Specifically, Applicants request that Susan X. Qian be added as an inventor of the application. Accordingly, Applicants submit that the actual inventors for this application are Stephen D. Gillies, Kin-Ming Lo and Susan X. Qian. Applicants submit together with this request a statement from the added inventor Susan X. Qian in compliance with 37 C.F.R. § 1.48(a)(2), a declaration from the actual inventors in compliance with 37 C.F.R. § 1.48(a)(3), the processing fee set forth in 37 C.F.R. § 1.17(i), and the written consent of the assignee in compliance with 37 C.F.R. § 1.48(a)(5).

The Examiner is invited to telephone the undersigned agent to discuss any issues relating to the submission of this paper.

11/02/2005 EFLORES 00000085 10737208

01 FC:1464

130.00 OP

Date: October 28, 2005
Reg. No. 51,551

Tel. No.: (617) 261-3198
Fax No.: (617) 261-3175
Customer Number: 022832

Respectfully submitted,

Fangli Chen, Ph.D.

Agent for Applicants
Kirkpatrick & Lockhart Nicholson Graham LLP
75 State Street
Boston, Massachusetts 02109



EXPRESS MAIL MAILING LABEL NO. EV668187985US

PATENT
Attorney Docket No. LEX-023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gillies *et al.* CONFORMATION NO.: 6855
SERIAL NO.: 10/737,208 GROUP NO.: 1647
FILING DATE: December 16, 2003 EXAMINER: Galvez, James Jason
TITLE: IMMUNOCYTOKINE SEQUENCES AND USES THEREOF

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 1.48(a)(2)

I, Susan X. Qian, am being added as an inventor of the above-identified patent application. In compliance with 37 C.F.R. § 1.48(a)(2), I hereby state that the error in inventorship occurred without deceptive intention on my part.

Date: Oct. 14, 2005

By: Susan X. Qian
Susan X. Qian



Express Mail Mailing Label No.: EV668187985US

PATENT
Attorney Docket No. LEX-023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Gillies *et al.* ASSIGNEE: EMD Lexigen Research Center Corp.
SERIAL NO.: 10/737,208 FILING DATE: December 16, 2003
TITLE: Immunocytokine Sequences and Uses Thereof

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48(a)(5)

Sir:

As an authorized representative of the assignee of record of the entire right, title, and interest in the above-identified patent application, I hereby consent to the correction of the inventorship in the above-identified patent application.


The assignee of record of the entire right, title, and interest in the above-identified patent application is EMD Lexigen Research Center Corp., by virtue of the chain of title from the inventors of the above-identified patent application to the current assignee, as shown below:

By assignment on April 16, 2004, from Stephen D. Gillies and Kin-Ming Lo to EMD Lexigen Research Center Corp., recorded in the U.S. Patent and Trademark Office on April 29, 2004, at Reel No.: 015274, Frame No.: 0465.

By assignment on October 14, 2005, from Susan X. Qian to EMD Lexigen Research Center Corp., a copy of which is attached herewith.

Respectfully submitted,

Dated: Oct. 27, 2005



Stephen D. Gillies, Ph.D.
President
EMD Lexigen Research Center Corp.
Bedford Campus
45A Middlesex Turnpike
Billerica, MA 01821



Express Mail Mailing Label No. EV668187985US

DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION	Attorney Docket No.	LEX-023
	First Named Inventor	Gillies
	COMPLETE IF KNOWN	
	Application Serial Number	10/737,208
	Filing Date	December 16, 2003
	Group Art Unit	1647
	Examiner Name	Galvez, James Jason

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMMUNOCYTOKINE SEQUENCES AND USES THEREOF

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on
(MM/DD/YYYY)

December 16, 2003

as United States Application Serial Number or PCT International

Application Number 10/737,208 and was amended on (MM/DD/YYYY) 03/15/2005 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information known by me which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, or inventor's certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

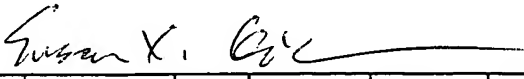
I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Serial Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto.
60/433,945	12/17/2002	

Declaration and Power of Attorney for Utility or Design Patent Application		
<p>I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.</p>		
U.S. Parent Application or PCT Parent Serial Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
<input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.		
<p>As a named inventor, I hereby appoint the registered patent practitioners associated with the following Customer Number as my/our attorney(s) and/or agent(s) to prosecute the above-identified patent application and any applications claiming priority thereto, and to transact all business in the United States Patent and Trademark Office connected therewith. I acknowledge that the list of registered patent practitioners associated with the Customer Number may be amended from time to time. In the event that I assign or am under an obligation to assign my entire right, title and interest in the above-identified patent application and the invention(s) disclosed therein to another ("Assignee(s)"), I hereby acknowledge that I relinquish my right to revoke this Power of Attorney. Further, I hereby authorize the registered patent practitioners associated with the following Customer Number to accept and follow instructions from the Assignee(s) as to any action to be taken in the United States Patent and Trademark Office regarding this application or any application claiming priority thereto without direct communication between the registered patent practitioner(s) and me.</p> <p style="text-align: center; font-weight: bold; margin-top: 10px;">CUSTOMER NUMBER 022832</p>		
<p>Please direct all correspondence for the above-identified patent application to the address associated with the above Customer Number.</p>		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])						Family Name or Surname			
Stephen D.						Gillies			
Inventor's Signature						Date	Oct 14, 2005		
Residence	City	Carlisle	State	MA	Country	USA		Citizenship	US
Mailing Address		47 Swanson Lane							
Mailing Address (ln. 2)	City	Carlisle	State	MA	ZIP	01741		Country	USA
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto.									
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])						Family Name or Surname			
Kin-Ming						Lo			
Inventor's Signature						Date	Oct 14, 2005		
Residence	City	Lexington	State	MA	Country	USA		Citizenship	US
Mailing Address		6 Carol Lane							
Mailing Address (ln. 2)	City	Lexington	State	MA	ZIP	02420		Country	USA

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle [if any])				Family Name or Surname				
Susan X.				Qian				
Inventor's Signature						Date	Oct. 14, 2005	
Residence	City	Concord	State	MA	Country	USA	Citizenship	US
Mailing Address	122 Baker Ave.							
Mailing Address (ln. 2)	City	Concord	State	MA	ZIP	01742	Country	USA